

AFFIDAVIT

05-1678-UBS

I, THOMAS B. FINN, JR., hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), and have been so for over twenty seven years. I am currently assigned to the Lakeville Resident Agency.

2. The FBI has been requested to assist the Office of Commonwealth of Massachusetts, Executive Office of Public Safety, Parole Board in the location and apprehension of OTONIEL FUENTES.

3. I have been advised by Massachusetts State Parole Officers Robert L. Jackson and Michael Kozak of the following:

a. On or about March 5, 2004, effective December 4, 2003, OTONIEL FUENTES was sentenced to 2 ½ years in prison for Possession of a Class A narcotic (heroin), 2 ½ years concurrent for Possession of a Class B narcotic (cocaine), and 2 ½ years concurrent for Possession of a Class B narcotic. FUENTES was released on parole on March 9, 2005. Since that time, FUENTES has failed to report to his parole officer.

b. On or about May 18, 2005, the Commonwealth of Massachusetts, Executive Office of Public Safety, Parole Board issued an arrest warrant for the arrest of OTONIEL FUENTES charging him with the violation of his parole, a certified copy of the arrest warrant, issued pursuant to Massachusetts General Laws, Chapter 127, Section 149, of the Massachusetts General Law is attached hereto as Exhibit A;

4. I have been further advised by Parole Officers Jackson and Kozak

that an investigation by the Massachusetts State Parole Board has lead to the following:

a. A Confidential Informant (CI1), who has provided reliable information in the past, advised that OTONIEL FUENTES went to New York City with ELIZABETH REYES. CI1 learned of this information through his association with REYES.

b. A second CI (CI2), who has also provided reliable information in the past, advised OTONIEL FUENTES traveled to New York City, via Gerardo Transportation, Providence, RI. An official at Gerardo Transportation confirmed that OTONIEL FUENTES took one of their vans to the Bronx, New York, on May 16, 2005.

c. A third CI (CI3), who has provided reliable information in the past advised OTONIEL FUENTES has fled to New York City.

d. A fourth CI (CI4), who has provided reliable information in the past, advised OTONIEL FUENTES went to New York City, via Gerardo Transportation, to be with ELIZABETH REYES.

e. An official at Casa Esperanza, a drug program in which OTONIEL FUENTES was enrolled when he fled, advised ELIZABETH REYES was OTONIEL FUENTES' emergency contact. ELIZABETH REYES' contact address is 990 Bronx Park South, Apartment 501, Bronx, New York.

f. All efforts to apprehend OTONIEL FUENTES within the Commonwealth of Massachusetts have been unsuccessful.

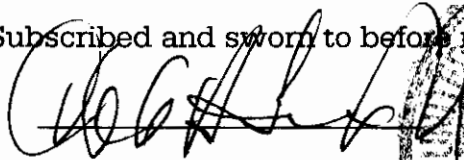
5. The Commonwealth of Massachusetts Parole Board will rendite OTONIEL FUENTES if he is apprehended outside the District of Massachusetts. A

copy of the letter from the Commonwealth of Massachusetts Parole Board, so stating is attached hereto as Exhibit B.



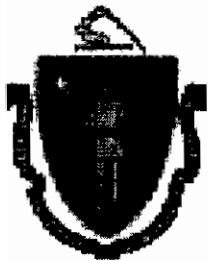
THOMAS B. FINN, JR.  
Special Agent  
Federal Bureau of investigation

Subscribed and sworn to before me this 7<sup>th</sup> day of July, 2005.



U.S. Magistrate Judge





**Mitt Romney**  
*Governor*

**Kerry Healey**  
*Lieutenant Governor*

**Edward A. Flynn**  
*Secretary*

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*

*Parole Board*

*45 Hospital Road*

*P.O. Box 647*

*Medfield, Massachusetts 02052*

*Telephone # (508) 242-8001*

*Facsimile # (508) 242 -8100*



**Maureen E. Walsh**  
*Chairman*

**Donald V. Giancioppo**  
*Executive Director*

June 13, 2005

Michael Sullivan  
U.S. Attorney  
U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210

RE: Application for Unlawful Flight to Avoid Prosecution Warrant on **Otoniel Fuentes, H/M**  
**DOB: 11/06/65**

Dear U.S. Attorney:

The Massachusetts Parole Board would like to make application for a U.F.A.C. warrant for **Otoniel Fuentes** charging him with parole violation under M.G.L. Chapter 127, Section 149. Please see attached notarized warrant.

Otoniel Fuentes was sentenced on 03/05/04, effective 12/04/03 to 2 ½ years. for Poss Cl A, 2 ½ years concurrent for Poss Cl B and 2 ½ years concurrent for Poss Cl B. He was released on parole on 03/09/05. Mr. Fuentes is believed to be residing in the state of New York.

If apprehended, the Parole Board will rendite and will seek a Governor's Warrant if necessary.

Sincerely,

Darwin Bliss  
Deputy Chief

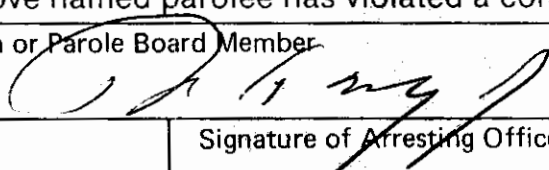
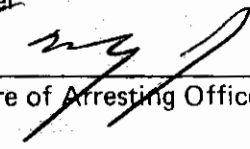


PLEASE TYPE


SIGN WITH BALL POINT PEN ONLY — BEAR DOWN

No 3566 05

**COMMONWEALTH OF MASSACHUSETTS  
Parole Board**

			Region <u>2</u> District <u>7</u>	
WARRANT FOR PERMANENT CUSTODY (STATE)		Name of Parolee Fuentes, Otoniel		Institution Number Dar-0402377
				SID Number
Date of Birth 11-06-65	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Race <input type="checkbox"/> White <input type="checkbox"/> Black <input checked="" type="checkbox"/> Hispanic <input type="checkbox"/> Other	This warrant for permanent custody is issued by the Parole Board in accordance with chapter 127 section 149 of the Massachusetts General Laws.	
<p><b>To any officer authorized to serve criminal process in the Commonwealth of Massachusetts or to any Peace Officer authorized to serve Criminal Process in the United States: you are required to arrest the parolee and convey him/her to <u>Dartmouth H/C</u>. To the superintendent of said institution: you are hereby required to receive the prisoner and safely keep him/her until the expiration of sentence or until otherwise discharged according to law.</b></p> <p><b>REASON FOR WARRANT FOR PERMANENT CUSTODY:</b></p> <p>Above named parolee has violated a condition(s) of his/her parole.</p>				
Chairman or Parole Board Member 			Date Warrant Issued 5-18-05	
RETURN OF SERVICE  Mail to:  Warrant Unit Massachusetts Parole Board 27-43 Wormwood Street Boston, MA 02210-1606	Signature of Arresting Officer 		Date Arrested	
	By virtue of this warrant I certify that the above named person has been arrested and placed in custody at:			
	Institution		Effective Date of Return	
	Signature of Officer Making Return		Title	Date Returned

PB-WPCS. 5/1/87

  
A True Copy Attest  
RONALD JAY RAPAPORT  
NOTARY PUBLIC  
My commission expires July 23, 2010

white copy — Warrant Unit

yellow copy — institution

pink copy — parole officer

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: MA Category No. 090 Investigating Agency JFUB

City \_\_\_\_\_ Related Case Information:

County \_\_\_\_\_ Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name OTONIEL FUENTES Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 67 ACUSHNET AVE., NEW BEDFORD, MABirth date (Year only): 1965 SSN (last 4 #): 9150 Sex M Race: \_\_\_\_\_ Nationality: Unknown

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

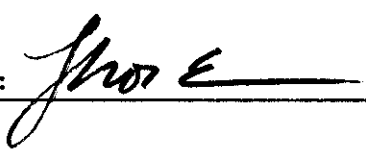
Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Thomas Kanwit Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☒ Warrant Requested☐ Regular Process☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☐ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 07/07/05Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant OTONIEL FUENTES

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 1073</u>	<u>Unlawful flight to avoid prosecution</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: